

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

JOSE NUNEZ

PETITIONER

VS.

CIVIL ACTION NO. 5:04cv227-DCB-JCS

CONSTANCE REESE, WARDEN

RESPONDENT

FINAL JUDGMENT

This cause is before the Court on Magistrate Judge James C. Sumner's Report and Recommendation [**docket entry no. 12**], which recommends that the petitioner's Petition for a Writ of Habeas Corpus [**docket entry no. 1**] be dismissed without prejudice, and the Court having adopted the Report and Recommendation of even date herewith. Accordingly,

IT IS HEREBY ORDERED that this action is dismissed without prejudice.

SO ORDERED, this the 16th day of November, 2006.

S/DAVID BRAMLETTE
UNITED STATES DISTRICT JUDGE